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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/846,254	05/02/2001	Mark A. Kampe	80168-0102 P5088	5905
32658	7590	07/12/2005	EXAMINER	
HOGAN & HARTSON LLP ONE TABOR CENTER, SUITE 1500 1200 SEVENTEEN ST. DENVER, CO 80202			HO, ANDY	
			ART UNIT	PAPER NUMBER
			2194	

DATE MAILED: 07/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/846,254

Applicant(s)

KAMPE ET AL.

Examiner

Andy Ho

Art Unit

2194

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 15 June 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: none.
Claim(s) objected to: none.
Claim(s) rejected: 1-4,6-12,14-22,33-40,43,62-80,85,86,91 and 94.
Claim(s) withdrawn from consideration: none.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.


MENG-AL T. AN
SUPERVISORY PATENT EXAMINER

The request for reconsideration filed 6/15/2005 has been fully considered but does not place the application in condition for allowance because the applicant argued the same arguments as set forth in the amendment received 11/12/2004.

Applicant argued that Cohen does not teach a filter on said subscriber node (Remarks, third paragraph page 10 to second complete paragraph page 11). In response, Cohen does not explicitly teach the filter is on the subscriber node. However, Cohen teaches (lines 43-52 column 7) an event consumer uses the Consumer API to define a new event filter and add it to an event filter group. Event filter names and thus filters can be added or deleted from event filter groups by the consumer. The consumer has total control over the event filter. Therefore one of ordinary skill in the art would conclude the filter is in fact from the subscriber node wherein this filter being created and forward to the filter group as disclosed by Cohen (lines 43-52 column 7). The reference meets the limitation as claimed.

Applicant argued that Cohen does not teach "...its fields also acts to open an event channel..." (Remarks, last incomplete paragraph page 11 continue to page 12). In response, the applicant argued a limitation that is not claimed.

Applicant argued that Cohen does not teach "...a queue on the same node that assigns the filter and receives and uses matching events..." (Remarks, second complete paragraph page 12). In response, the applicant argued a limitation that is not claimed.

Applicant argued that Cohen does not teach "...asynchronous communication over the event channel without requiring an event publisher to provide addresses of receiving nodes..." (Remarks, last incomplete paragraph page 12 continue to page 13). In response, the applicant argued a limitation that is not claimed.

Applicant argued that Cohen does not teach "granting access...an application running on a node network" (Remarks, first complete paragraph page 13). In response, as clearly disclosed in the claim rejection, Cohen as modified further teaches granting the event server access to an event channel (consumer authentication and authorization, line 59 column 12; consumer's access rights, line 12 column 14), wherein the granted access corresponds to an application running on the node (DCE application, lines 34-35 column 5).

Applicant argued that the previous Office Action improperly rejected claim 74 as claim 1 (Remarks, last paragraph page 14). In response, as clearly disclosed in the previous Office Action, claim 74 was rejected based on claims 1, 13-14 and 62. Claim 74 was not rejected based on claim 1 alone.

Applicant argued that the cited references do not teach limitations of claim 70 (Remarks, third complete paragraph page 14). In response, as clearly disclosed in the claim rejection, Cohen teaches a method comprising: building a filter (consumer-side EMS filter, line 6 column 7); receiving an event at a node (...before the event consumer can receive event data, it must also define a "filter" which EMS then uses to determine whether particular events from the one or more event suppliers gets passed to that event consumer..., lines 19-22 column 6). Cohen does not explicitly teach pattern field is taken from a binary tree. Novik teaches a system of filtering events (Fig. 6) wherein the event definitions being filtered through the filtering tree being forwarding to event subscriber (Fig. 6; lines 40-53 column 14). It would have been obvious to apply the teachings of Novik to the system of Cohen because using the filtering tree would discarded any event that is not requested by the event subscriber as disclosed by Novik (lines 56-59 column 2).